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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,786	04/05/2001	Patrick Montoya	10954-003	4084
757	7590	12/28/2005	EXAMINER	
BRINKS HOFFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			LOFTIS, JOHNNA RONEE	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,786

Applicant(s)

MONTROYA, PATRICK

Examiner

Johnna R. Loftis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The following is a non-final office action upon examination of application number 09/826,786. Claims 1-30 are pending and have been examined on the merits discussed below.

Response to Arguments

2. Applicant's arguments with respect to the rejection(s) of claim(s) 13 under 35 USC 112 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

3. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-5, 8-11, 15, 17-20, 22, 23 26-30 rejected under 35 U.S.C. 102(a) as being anticipated by Matyas, US 6,102,287.

As per claim 1, Matyas teaches establishing communication between a client and a survey collector (column 19, lines 37-60 – the buyer clicks on the survey link to receive the survey questionnaire over the internet); receiving by the survey collector of a first survey request from the client (column 19, lines 37-60 – the buyer clicks on the survey link to receive the survey questionnaire over the internet); inquiring the client with a survey questionnaire from the

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survey collector (column 19, lines 37-60 – the buyer clicks on the survey link to receive the survey questionnaire over the internet); receiving by the survey collector from the client of a survey response to the survey questionnaire (column 19, lines 55-60 – the buyer answers the questions in the survey questionnaire); receiving by the survey collector of identifying indicia from the client, the identifying indicia being related to the survey questionnaire (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code); attempting verification of the identifying indicia of the client (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code); and providing to the client a response related to the first survey request (column 19, lines 37-60 – when the buyer clicks on the survey link to request the survey questionnaire over the internet, the client responds by sending the survey).

As per claim 2, Matyas teaches establishing communication is done via the Internet (figure 8 and column 18, lines 36-41).

As per claim 3, Matyas teaches relating the survey questionnaire by subject matter to the survey request (column 19, lines 4-60 – the buyer clicks on a product of interest and then requests a survey that permits the buyer to fill in the survey questionnaire for the purchased product).

As per claim 4, Matyas teaches the survey request and the survey questionnaire are related to automotive vehicles (column 19, lines 4-60 – the buyer clicks on a product of interest and then requests a survey that permits the buyer to fill in the survey questionnaire for the

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purchased product, which inherently could be any purchased product including an automotive vehicle).

As per claim 5, Matyas teaches inquiring with the survey questionnaire includes requesting the identifying indicia from the client (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code).

As per claim 8, Matyas teaches correlating the identifying indicia to a database (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code; inherently the purchase transaction information is stored in a database to be retrieved for authentication purposes).

As per claim 9, Matyas teaches determining if a relationship exists between the identifying indicia and the subject matter of the survey questionnaire (column 19, lines 4-60 – the buyer clicks on a product of interest and then requests a survey that permits the buyer to fill in the survey questionnaire for the purchased product, wherein the survey is related to the purchased product).

As per claim 10, Matyas teaches determining if a relationship exists between the identifying indicia and the client (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code).

As per claim 11, Matyas teaches determining if a relationship exists between the identifying indicia and the client and the survey questionnaire (column 3, lines 25-35 – the buyer

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generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code - column 19, lines 4-60 – the buyer clicks on a product of interest and then requests a survey that permits the buyer to fill in the survey questionnaire for the purchased product, wherein the survey is related to the purchased product).

As per claim 15, Matyas teaches providing a response provides to the client a refusal of the first survey request (column 22, lines 49-67 – the evaluator checks to see if the buyer who responded to the survey actually purchased the product, if not, the survey is refused and not included in product evaluation information).

Claims 17-20, 22 and 23 are the computer implemented system for performing the method of claims 1-16 therefore the same rejections as applied to claims 1-16 are applied to claims 17-23.

As per claim 26, Matyas teaches the survey questionnaire system includes software adapted to forward a survey questionnaire to be completed and electronically returned to the survey questionnaire system (column 3, lines 60-64 – software implementation of the survey process; column 19, lines 37-60 – the buyer clicks on the survey link to receive the survey questionnaire over the internet).

As per claim 27, Matyas teaches updating a survey answers database upon completion and return of the survey questionnaire by the client (column 22, line 49 – column 23, line 2 – the product evaluation information is updated upon receiving additional survey responses).

As per claim 28, Matyas teaches a client registration system including software which manages data regarding clients previously utilizing the system and including a registered member

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database (column 10, lines 43-53 – a buyer can use the system only after registration wherein they buyer can then continue to use the system using the registration information)

As per claim 29, Matyas teaches the survey questionnaire relates to product. An automotive vehicle is inherently included since a vehicle is a product that is purchased.

As per claim 30, Matyas teaches the requested survey results relates to products (column 19, lines 4-15 – the buyer can request to view product evaluation information compiled from other survey responses). An automotive vehicle is inherently included since a vehicle is a product that is purchased

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 7, 12-14, 16, 21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matyas, US 6,102,287.

As per claim 6, Matyas teaches identifying indicia (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code), but does not explicitly teach the indicia is a product identification number. It would have been obvious to one of ordinary skill in the art to correlate the authentication code of Matyas to the actual product by including the product

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identification number as the authentication code for purposes of verifying the purchase of the product.

As per claims 7 and 21, Matyas teaches identifying indicia (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code), but does not explicitly teach the indicia is a VIN number. It would have been obvious to one of ordinary skill in the art to correlate the authentication code of Matyas to the actual product or vehicle purchased by including the VIN number as the authentication code for purposes of verifying the purchase of the vehicle.

As per claim 12, Matyas does not explicitly teach providing a composite survey response. However, it is old and well known in the art of customer service to additionally survey a purchaser on their overall experience in purchasing a product. While Matyas teaches a survey questionnaire directed to the actual product purchased, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a subsequent questionnaire requesting opinions on the purchasers experience in making the purchase. By including the additional survey, the seller will not only gather the customer's opinion about the actual product, but also about the customer's experience in buying the product which will assist the seller in making decisions regarding not only product quality, price, etc., but also the purchasing process, customer service, etc.

As per claim 13, Matyas does not explicitly teach the composite survey is unrelated to the survey questionnaire. However, it is old and well known in the art of customer service to additionally survey a purchaser on their overall experience in purchasing a product, which is

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unrelated to the actual product. While Matyas teaches a survey questionnaire directed to the actual product purchased, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a subsequent questionnaire requesting opinions on the purchasers experience in making the purchase. By including the additional survey, the seller will not only gather the customer's opinion about the actual product, but also about the customer's experience in buying the product which will assist the seller in making decisions regarding not only product quality, price, etc., but also the purchasing process, customer service, etc.

As per claim 14, Matyas does not explicitly teach the survey response is generally related to the survey questionnaire. However, it is old and well known in the art of customer service to additionally survey a purchaser on their overall experience in purchasing a product, which is generally related to the actual product. While Matyas teaches a survey questionnaire directed to the actual product purchased, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a subsequent questionnaire requesting opinions on the purchasers experience in making the purchase. By including the additional survey, the seller will not only gather the customer's opinion about the actual product, but also about the customer's experience in buying the product which will assist the seller in making decisions regarding not only product quality, price, etc., but also the purchasing process, customer service, etc.

As per claim 16, Matyas does not explicitly teach assimilating the survey response into a composite survey response. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the composite survey response with the survey response when storing evaluation information so the seller would have a record of both the purchasers opinion about the product as well as the overall purchasing experience. The

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assimilation of the two survey responses will assist the seller in making decisions regarding not only product quality, price, etc., but also the purchasing process, customer service, etc.

As per claim 24, Matyas does not explicitly teach a client entered into a drawing upon completion of a survey questionnaire. However it is old and well known in the art of surveys and incentives to enter a person into a prize drawing after completion of a survey as a way to entice people to complete surveys. By offering to enter a person in a prize drawing the distributor of the survey can increase the number of people who fill out the survey.

As per claim 25, Matyas does not explicitly teach one of a monetary payoff of a loan taken out by the client to purchase the product; a monetary payoff of a specified number of loan or lease payments by the client to acquire the product; and a fixed monetary amount. However it is old and well known in the art of surveys and incentives to offer a monetary award to those who complete a survey. By offering to enter a person in a drawing for a monetary award, the distributor of the survey can increase the number of people who fill out the survey.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL
12/23/05



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